

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DERRICK U. STRICKLIN,

Petitioner,

vs.

ROB JEFFREYS, Director of the Nebraska
Department of Correctional Services;

Respondent.

8:22CV279

MEMORANDUM AND ORDER

This matter is before the Court on the parties' Joint Proposed Progression Order, [Filing No. 31](#). On December 5, 2022, the Court performed an initial review and set initial case management deadlines. [Filing No. 7](#). Specifically, the Court set January 19, 2023, as the deadline for Respondent to file state court records in support of an answer, to file its answer within 30 days after the state court records are filed, rendering Petitioner's responsive brief due 30 days after the answer is filed. [Id. at 5–6](#).

Respondent filed the state court records on January 19, 2023, [Filing Nos. 11, 12](#), and then filed two motions for an extension of time in which to file its answer, [Filing Nos. 13, 15](#), both of which were granted, [Filing No. 14](#) (text order), [Filing No. 18](#) (text order). Respondent ultimately filed its answer and memorandum in support on April 17, 2023, [Filing Nos. 20, 21](#), within the April 19, 2023, deadline to file, see [Filing No. 18](#) (text order).

Several days after Respondent filed its answer on April 24, 2023, Petitioner filed: a motion for additional documents, submitting the requested documents were not contained in the records provided by the Respondent and were necessary for him to prepare his response, [Filing No. 23](#), and on April 27, 2023, he filed two objections to Respondent's answer, [Filing Nos. 26, 27](#), all which remain pending, and a motion to appoint counsel, [Filing No. 24](#), which the Court granted on May 5, 2023, [Filing No. 29](#). In granting the motion to appoint counsel, the Court ordered Petitioner's counsel James Regan to enter an appearance and for the parties to file a joint motion suggesting a suitable progression of the case by June 5, 2023. *Id. at 3*.

On May 30, 2023, the parties filed their proposed order progressing this matter to final resolution. [Filing No. 31](#). Having reviewed and considered the order proposed by the parties,

IT IS THEREFORE ORDERED that:

1. By **September 1, 2023**, Petitioner must file and serve a brief addressing Respondent's answer and any other pertinent matter including the objections to Respondent's answer filed by Petitioner prior to counsel's appointment, [Filing Nos. 26, 27](#).

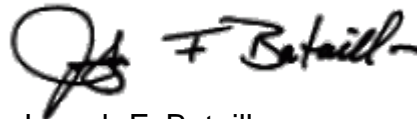
2. No later than 30 days after Petitioner's brief is filed, Respondent must file and serve a reply brief. In the event that Respondent elects not to file a reply brief, he should inform the Court by filing a notice stating that he will not file a reply brief and that the merits of the petition are therefore fully submitted for decision.

3. The Clerk of the Court is directed to set the following pro se case management deadlines in this case using the following text: **September 1, 2023**: check for Petitioner's response.

4. No later than **July 31, 2023**, to the extent Petitioner still seeks, but has not received, documents listed in the motion for additional documents, Petitioner shall either file a supplement to his motion for additional documents, [Filing No. 23](#), listing which documents remain outstanding and the legal basis for their production or move for the motion's withdrawal.

Dated this 9th day of June, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge